IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.374 OF 2005

Vijaykumar Vasant Gaikwad ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

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Mr.Rahul Kadam i/b Mr.Uday Warunjikar for Petitioner.

Mr.M.H.Solkar, A.G.P. for Respondents 1 & 4.

Mr.N.V.Bandiwadekar for Respondent No.3.

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CORAM: A.M.KHANWILKAR, J.

MARCH 2, 2007.

P.C.

1. This Petition ought to be dismissed on the ground that incomplete copy of the order dated 19th April 2005 has been filed in this Petition. Be that as it may, on the basis of authenticated copy of the said order produced by Respondents, it is seen that the Respondents were required to pay the arrears amount within two weeks. There is no

dispute that the said amount has been paid in time. By the same order, the Respondents were also required to pay the salary regularly, month to month basis. Grievance in this Petition is regarding breach of that direction. Default was committed by the Respondents for about three months.

2. From the affidavit filed before this Court and the documents produced by the Respondents along with affidavit, it is seen that the Respondents have already paid the said amount and have been paying monthly salary on regular basis thereafter. In fact, the Respondents claim to have paid excess amount to the Petitioner. It is not necessary for this Court to go into that issue. Parties may resolve that controversy either amicably or before appropriate forum.

3. Suffice it to observe that the direction has been complied with and for the explanation offered by the Respondent No.3 on affidavit, it is not possible to take the view that it is a case of wilful disobedience of the direction of the Court.

Accordingly, this Petition is disposed of. Notices issued to Respondents stand discharged.

4. It is, however, made clear that the Respondents shall not commit any default in future payment of monthly salary.

A.M.KHANWILKAR, J.